

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-5, 7-15, 17-18, 21-22 and 24 are currently active in the case. The present amendment amends Claims 1, 11, 17, and 21 without introducing any new matter; and cancels Claims 6, 16, 19-20, 23 and 25 are without prejudice or disclaimer.

In the pending Office Action, Claims 1-4, 7-14, and 17-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Haitsma et al. (U.S. Patent No. 6,505,223, hereinafter “Haitsma”). Claims 5 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Haitsma.

Claims 6 and 16 were indicated as allowable if rewritten in independent form.

Applicants acknowledge with appreciation the indication of allowable subject matter. In response, Claim 1 is amended to recite all the features of dependent Claim 6, without reciting all the features of intervening Claim 5. Claim 1 is also amended to recite “to form the recovered part of the code word from code word parts from successive material units,” being a generic description of some features of dependent Claim 5. This feature finds non-limiting support in Applicants’ disclosure as originally filed, for example with respect to original Claim 5, and in the specification from p. 14, l. 23, to p. 15, l. 27. No new matter has been added.

In this respect, dependent Claim 5 is directed to data processing apparatus, where a detector allows the combination of up to four code word parts from successive material units to form the dependent correlation value, as shown in a non-limiting embodiment in Applicants’ Fig. 8. As shown in Fig. 8, the number of time parts of the code word $X'_{(i)}$ derived from successive units of the material item are combined (by the tree structure shown) to form the dependent correlation value depends on the number of material units in a material

item. As further explained with respect to Applicants' specification at p. 15, ll. 18-27, by calculating dependent correlation values by combining code word parts from successive images, in iteratively increasing numbers, an improvement in the likelihood of correctly detecting a code word as being present is provided. Please note that the above discussion is for explanatory purposes only and is not intended to limit the scope of the claims.

Turning now to the applied reference, Haitsma describes a method for detecting a watermark in an image, where the suspect image is subjected to symmetrical phase only matched filtering prior to detecting the amount of correlation between the signals of the image. (Haitsma, Abstract, Fig. 8.) Haitsma explains with respect to Fig. 5 that frames of images are accumulated into groups of frames, and the groups of frames are partitioned into blocks of a certain size. (Haitsma, col. 3, ll. 29-34, Fig. 4, reference numerals 21, 22, Fig. 5.) Haitsma then details that the blocks are stacked in a buffer and a noise pattern is detected from the data in the buffer. (Haitsma, col. 3, ll. 34-42.)

However, Haitsma fails to teach all the features of Applicants' independent Claim 1. In particular, Haitsma fails to teach:

the correlator is operable ... to form the recovered part of the code word from code word parts from successive material units ***the recovered part of the code word iteratively increasing in a number of code word parts*** used ... , the iteration continuing until the whole code word is recovered and correlated with the whole regenerated code word, or the predetermined threshold exceeded.

(Claim 1, portions omitted, emphasis added.) In Haitsma, frames of images are accumulated into groups, and thereby all parts of the code word are correlated together, since the correlation of a suspect information signal with a watermark pattern is done. (Haitsma, col. 3, ll. 42-45.)

Therefore, the cited passages of Haitsma fail to teach every feature recited in Applicants' Claim 1, so that Claims 1-5 and 7-10 are believed to be patentably distinct over

Haitsma. Accordingly, Applicants respectfully traverse, and request reconsideration of, the rejection based on Haitsma.¹

With respect to Applicants' independent Claim 17, this claim is amended to recite "to generate dependent correlation values for each iteratively increased recovered part of the code word by correlating with corresponding parts of the re-generated code word." In accordance with the above discussion regarding patentability of independent Claim 1, Applicants respectfully submit that at least the above quoted Claim 17 feature is not taught by Haitsma.

Independent Claims 11 and 21 recite features analogous to the features recited in independent Claim 1. Since some of these features were previously recited in dependent Claim 16, this claim is cancelled without prejudice or disclaimer. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claims 11 and 21, and all associated dependent claims, are also believed to be overcome in view of the arguments regarding independent Claim 1.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-5, 7-15, 17-18, 21-22 and 24 is earnestly solicited.

¹ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

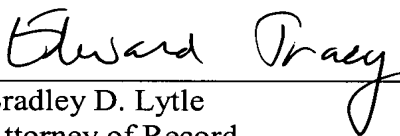
Respectfully submitted,

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